

## **KANAB CITY COUNCIL MEETING**

**OCTOBER 14, 2014**

### **KANE COUNTY COMMISSION CHAMBERS**

**PRESENT:** Mayor Robert D. Houston, Council Members Kirt Carpenter, Cheryl Brown, Joe B. Wright, Brent Chamberlain, and Kent Burggraaf, Recorder Joe Decker, Attorney Jeff Stott, Attorney Greg Hardman and Treasurer RaeLene Johnson.

**WORK MEETING:** The Mayor opened the work meeting at 6:30 p.m. Western Legends was discussed. Mayor Houston said that Western Legends is a line item in the budget. Mr. Decker explained the in-kind cost during Western Legends. The police put in 72.5 hours with 39 over time hours and the public works put in 35.5 hours. This was \$6,215.71 in salary and benefits for these employees. Western Legends refunded \$4,000 back to the City. Council Member Chamberlain said this is the first time this has ever been done.

Mayor Houston said the City didn't receive all of the funding they requested, but the City was approved for \$680,000 from the Community Impact Board. Since the first payment to CIB won't be until 2016; and we have another payment with the Beautification project that will drop off at the same time, it is a non-impacting item as far as cash flow. Sunrise Engineering will be the Engineer for the project. The detention pond will go out for bid, but the rest of the project will be done in house.

Mayor Houston said that Council Member Brown has worked on a RFP for the skate park and is getting close to being able to send it out. It needs to be reviewed with legal counsel first.

The Planning and Zoning Commission has asked for goals and objectives from each of the departments to be included in the General Plan. A copy was given to the Council for their review. Each department will have a page with a one, three, five and ten year plan. Council Member Carpenter asked the Council about the Saturday a couple of years ago that was spent on this very plan. He wondered if the information that was received from that meeting has been taken into account.

Mayor Houston said that Attorney Jeff Stott has been working on the business license ordinance and the nuisance ordinance.

The Heritage Museum was discussed. Mr. Kendall Brooksby, Vice Chairman to the Heritage and Preservation Board addressed the Council. He said he has been a volunteer serving on the Heritage Board for nine years. He said the Heritage Council would like to request that the Heritage Museum be allowed to use the downstairs rooms. The Museum is overcrowded and needs additional space. He requested that the Arts Council find another area for their meetings and their displays. Council Member Chamberlain said that the Museum does need more space. Council Member Brown said that the Arts Council also needs space. Mr. Brooksby said that the

Heritage Museum is on the Historical register and that should be taken into consideration. No action was taken because it wasn't on the agenda.

Mr. Tony Wright addressed the Council. He explained that the main sewer line runs through the corner of his carport. He wanted to build onto his house. He had the footings built when he was red tagged. He said he was willing to pay some of the expense in moving the 50-year old sewer line, but he didn't think it was fair for him to pay for new pipe to replace 50-year old pipe. The Council felt that the City had some responsibility for allowing a building permit now and years ago over a sewer line. Mr. Wright wanted the Council to authorize Keith Robinson, Public Works Director, to remove the red tag knowing that the sewer line is going to be moved.

Mayor Houston called the regularly scheduled meeting to order at 7:15 p.m. and roll call was taken. Prayer was offered by Cheryl Brown and the pledge of alliance led by Mayor Houston.

**APPROVAL OF AGENDA:** A motion was made by Council Member Wright and 2<sup>nd</sup> by Council Member Chamberlain to approve the agenda for October 14, 2014. Motion passed unanimously.

**APPROVAL OF MINUTES:** A motion was made by Council Member Brown and 2<sup>nd</sup> by Council Member Carpenter to approve the minutes of September 23, 2014 as corrected. Motion passed as follows: Council Members Carpenter, Burggraaf, Brown, Chamberlain voting yea and Council Member Wright abstained since he did not attend that meeting.

**APPROVAL OF ACCOUNTS PAYABLE VOUCHERS:** A motion was made by Council Member Wright and 2<sup>nd</sup> by Council Member Chamberlain to approve the October 14, 2014 check register in the amount of \$125,591.61. Motion passed unanimously.

**PUBLIC COMMENT PERIOD:** No comments were received.

**CONSIDERATION FOR AND ADOPTION OF A PARAMETER RESOLUTION  
AUTHORIZING THE ISSUANCE OF SALES TAX REVENUE BONDS OF KANAB  
CITY, KANE COUNTY, UTAH, AND THE CALLING OF A PUBLIC HEARING TO  
RECEIVE INPUT WITH RESPECT TO THE ISSUANCE OF SUCH BONDS AND ANY  
POTENTIAL IMPACT TO THE PRIVATE SECTOR FROM THE CONSTRUCTION  
OF THE PROJECT:**

Mr. Decker said this is a standard form from the State for any type of bonding done. The approval from CIB was for \$680,000 at a 1 ½% loan for 30 years. In the parameters it says not to exceed \$750,000 at a rate not to exceed 2% interest for not more than 35 years. This is so if any unforeseen expense happens, the City does not have to go back to the CIB Board. It is covered in the Parameters. Mr. Alex Buxton with Zion's Bank Finance addressed the Council. He congratulated the Council on securing this loan with CIB and with such a good interest rate for 30 years. He said it isn't an easy thing to do. Council Member Burggraaf asked about a Special Improvement District instead of having sales tax bonds. Mr. Buxton said the district would have to be created and then issue a special assessment bond with

three public hearings. Mayor Houston said that option should have been discussed at the beginning. Mayor Houston said there will be a public hearing on November 25, 2014. Mr. Buxton said that the Bond is the Loan. The Bonds are to be issued for the purpose of paying all or a part of the cost of construction of flood prevention and storm water improvements, including the construction of a detention basin, the relocation of utilities and improvements to the flood prevention and storm water system. A motion was made by Council Member Burggraaf to table this item until it can be reviewed by legal, and the Council has more time to review it since the information was just provided. Motion died for lack of a second. A motion was made by Council Member Chamberlain to adopt Resolution #10-2-14 R authorizing the issuance of sales tax revenue bonds (The Bonds) of Kanab City, Kane County, Utah (The Issuer); calling a public hearing and establishing a time, place and location for said public hearing; providing for a pledge of excise tax revenues for the payment of the bonds; fixing the maximum principal amount of the bonds; the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear; providing for the running of a contest period; and related matters. Motion passed by roll call vote. Council Member Carpenter, Brown, Chamberlain, Wright voting yea and Council Member Burggraaf voting nay. Council Member Burggraaf felt the City needed to take a more responsible approach and seriously look at a Special Improvement District. Council Member Carpenter felt the City dropped the ball in the beginning in allowing houses in La Estancia to be built before the drainage was finished. He didn't think a few citizens should have to pay for that mistake.

**CONSIDER RESOLUTION 10-1-14R AMENDING THE KANAB CITY PERSONNEL POLICY:** A motion was made by Council Member Carpenter and 2<sup>nd</sup> by Council Member Brown to adopt Resolution #10-1-14 R amending the Kanab City Personnel Policy clarifying compensation time. Motion passed as follows: Council Members Carpenter, Brown, Chamberlain and Wright voting yea and Council Member Burggraaf abstaining.

**DISCUSS BATHROOMS AT THE HERITAGE HOUSE:** Council Member Chamberlain explained the need for restrooms and a kitchen serving area, so the Heritage House can be used more often. The brick that will be used is similar to the present building. The City is going to do a substantial amount of the labor. The Heritage Board is giving \$2,000, The Daughter of the Utah Pioneers, Margery Stewart Camp, donated \$500, Kane County has authorized \$7,000 and Mr. Chamberlain hopes to get \$20,000 from the Mormon Heritage Trails Grant. He requested that the City give \$5,000 for the project. Mr. Chamberlain said they want to start the project in November. A motion was made by Council Member Chamberlain to authorize allocations up to \$5,000 based on recommendation and approval of legal counsel for use at the Heritage House for bathrooms and a serving area. Motion 2<sup>nd</sup> by Council Member Carpenter. Motion passed as follows: Council Members Carpenter, Brown, Chamberlain and Wright voting yea, and Council Member Burggraaf abstaining.

**BEAUTIFICATION COMMITTEE:** A motion was made by Council Member Brown and 2<sup>nd</sup> by Council Member Chamberlain to appoint Master Gardener, Larry Baer, to serve on the Beautification Committee with a term ending 12/31/2017. Motion passed unanimously.

**ARTS COUNCIL:** A motion to appoint Michael Schoenfeld to the Arts Council with a term ending 12/31/2018 was made by Council Member Brown and 2<sup>nd</sup> by Council Member Wright. Motion passed unanimously.

**DISCUSS PURCHASING A VACUUM EXCAVATOR FOR PUBLIC WORKS:** Mr. Decker said this equipment is vital for the drainage project to help find existing utilities. There are a lot that needs to be moved. This can be paid for out of the bonds for the drainage project. A motion was made to authorize staff to purchase this vacuum excavator not to exceed \$50,000 by Council Member Wright and 2<sup>nd</sup> by Council Member Chamberlain. Motion passed unanimously.

A motion to go into closed session was made by Council Member Wright and 2<sup>nd</sup> by Council Member Chamberlain. Motion passed unanimously. Council went back into regular session.

A motion was made by Council Member Wright and 2<sup>nd</sup> by Council Member Brown to authorize Mr. Hardman to prepare a settlement letter to those in the swimming pool litigation, but send a copy of the letter to Mayor and Council and Mr. Decker before sending to parties. Motion passed unanimously.

A motion to adjourn was made by Council Member Wright and 2<sup>nd</sup> by Council Member Chamberlain. Motion passed unanimously.

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MAYOR     ROBERT D. HOUSTON

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RECORDER     JOE DECKER